

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny Plaintiff's Motion for Summary Judgment, deny the Defendant's Motion for Summary Judgment, vacate the Commissioner's determination, and remand for further consideration is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED, and the Defendant's Motion for Summary Judgment is DENIED. The Commissioner's determination is vacated and this matter is hereby REMANDED for further consideration.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the
magistrate is hereby **AFFIRMED**.

Signed: February 1, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

